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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3860

12 **YIN TAT WILLIAM KHO**  
13 **2033 Christie Street**  
14 **Fullerton, CA 92833**

**A C C U S A T I O N**

15 **Pharmacist License No. RPH 49713**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On or about August 27, 1997, the Board of Pharmacy issued Original Pharmacist  
23 License Number RPH 49713 to Yin Tat William Kho (Respondent). The Original Pharmacist  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on May 31, 2011, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states:

- 6 (a) Every license issued may be suspended or revoked.  
7 (b) The board shall discipline the holder of any license issued by the board,  
8 whose default has been entered or whose case has been heard by the board and  
9 found guilty, by any of the following methods:  
10 (1) Suspending judgment.  
11 (2) Placing him or her upon probation.  
12 (3) Suspending his or her right to practice for a period not exceeding one  
13 year.  
14 (4) Revoking his or her license.  
15 (5) Taking any other action in relation to disciplining him or her as the board  
16 in its discretion may deem proper.

12 ....

13 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
14 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
15 disciplinary action during the period within which the license may be renewed, restored, reissued  
16 or reinstated.

17 **STATUTORY PROVISIONS**

18 6. Section 4301 of the Code states:

19 "The board shall take action against any holder of a license who is guilty of unprofessional  
20 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
21 Unprofessional conduct shall include, but is not limited to, any of the following:

22 "....

23 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
24 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
25 whether the act is a felony or misdemeanor or not.

26 "..."

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1 **COST RECOVERY**

2 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FACTS**

7 8. Respondent was employed from 1997 until 2010 in a part time position as a  
8 pharmacist at the CVS Pharmacy on North Harbor Boulevard in Fullerton, California. In 2010,  
9 the Loss Prevention Department of the pharmacy surreptitiously observed the activities of  
10 Respondent while on duty at the pharmacy. These observations included the use of surveillance  
11 cameras, personal observation and review of inventory documents of the store.

12 9. It was determined that beginning in approximately March of 2009 until April of 2010,  
13 Respondent removed from the store without authorization and without paying for the items, 352  
14 One Touch Ultra diabetic test kits. Each kit contained 100 test strips and had a value of  
15 approximately \$122.00. Respondent also took 6 bottles of Florastor, a non-prescription pro-biotic  
16 product, from the store. The total value of the items taken by Respondent was in the amount of  
17 \$43,064.

18 10. On April 3, 2010, Respondent was arrested by the Fullerton Police Department for his  
19 unlawful acts while employed at the CVS Pharmacy.

20 **CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Dishonesty)**

22 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
23 for the unlawful taking of 352 One Touch Ultra diabetic test kits and 6 bottles of Florastor, as  
24 more particularly described in paragraphs 9 through 12, above.

25 **PRAAYER**

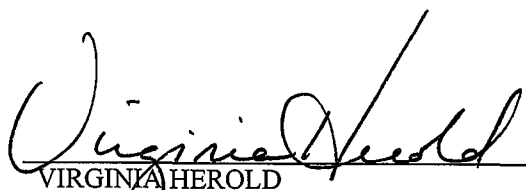
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Pharmacy issue a decision:  
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- 1           1.    Revoking or suspending Original Pharmacist License Number RPH 49713, issued to
- 2   Yin Tat William Kho;
- 3           2.    Ordering Yin Tat William Kho to pay the Board of Pharmacy the reasonable costs of
- 4   the investigation and enforcement of this case, pursuant to Business and Professions Code section
- 5   125.3;
- 6           3.    Taking such other and further action as deemed necessary and proper.

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9   DATED: 1/27/11

  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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